THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND
THE HON'BLE SRI JUSTICE D.APPA RAO

TAKEN UP WRIT PETITION No.13084 of 2007

DATED : 30-07-2007

Between :

Florence, w/o. M.Anand (late),
H.No.11-30, Shanthinagar,
Lalaguda, Secunderabad.

…Petitioner.

AND

The Station House Officer,
South Lalaguda Police Station,
Secunderabad and 5 others.

…Respondents.

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ORAL ORDER : (per the Hon'ble Sri Justice D.Appa Rao)

Heard learned Government Pleader for Home appearing for the respondents.

2. This writ petition is taken up on the basis of petitions, dated 15-06-2007 and 16-06-2007, sent by one Smt. Florence, w/o. late

Anand, alleging that her son viz., Anil Kumar *alias* Pandu, was illegally detained by the police of South Lalaguda Police Station, Secunderabad, without registering any crime against him, which led her son to consume phenyl on 15-06-2007.

3. The Inspector of Police, Amberpet Police Station, Hyderabad, filed counter affidavit, *inter alia*, stating that on the complaint lodged by one Smt. K.Sridevi, resident of Shanti Nagar, Secunderabad, alleging that her maid servant, who is working as watch woman and her children have committed theft of gold bangles, kankanam etc., from her house, a case in Crime No.107 of 2007 under Section 381 of Indian Penal Code of Amberpet Police Station, Hyderabad, was registered on 14-06-2007. During the course of investigation, it was revealed that the alleged detenu – Anil Kumar was committing petty offences and, therefore, he was summoned to the Police Station on 14-06-2007, where he has stated that he was arrested by the Railway Protection Force, Workshop, Lalaguda, in connection with a case in Crime No.11 of 2007 on 11-06-2007, and 3 days ago he was released from the Central Jail, Cherlapally, and that he has nothing to do with the offence committed in the house of the complainant. It is also stated that as regards the allegation that on 16-06-2007 the petitioner went to Gandhi Hospital and found her son, who had consumed phenyl, a Medical Certificate issued by the Superintendent of Gandhi Hospital, Secunderabad, was enclosed, which reveals that the alleged detenu was admitted on 16-06-2007 when it was stated that he had taken phenyl. The Casualty Medical Officer opined that there was no smell of phenyl and there was no need for stomach wash even and he was discharged on 19-06-2007. Eventually, the alleged detenu is now with his mother.

4. In view of the above said fact that the alleged detenu is now staying with his mother, we do not see any ground whatsoever to continue the writ petition any further. There are no merits in the writ petition and the same is liable to be dismissed.

5. Accordingly, the writ petition is dismissed, at the stage of admission. However, there shall be no order as to costs.

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JUSTICE D.S.R.VARMA

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JUSTICE D.APPA RAO

30-07-2007
Msr.

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(Msr)